

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LING CHEN; PATRICK WONG
CHEN QIANG; BAO ZHEN LIANG,

Plaintiffs,

-against-

CIVIL ACTION NO.:
10-CV-02842-ILG-RML

NEXT LEVEL TRADING CAPITAL LLC;
NEXT LEVEL TRADING CAPITAL II LLC;
NEXT LEVEL TRADING CAPITAL III LLC;
HING KI TSANG, ALSO KNOWN AS DAVID
TSANG; KAY TSANG; LIAN YIN, ALSO
KNOWN AS STEVEN YIN; KIT YING YEAP,
ALSO KNOWN AS KELLY YEAP;
NAM HIN YEAP; STEPHEN W. YUE;
SIU YING LAU, ALSO KNOWN AS
SIU JING LAU; JPMORGAN CHASE
BANK, N.A.; DIME COMMUNITY
BANCSHARES, INC., DOING BUSINESS AS
DIME SAVINGS BANK OF WILLIAMSBURGH;
COMMERCE BANCORP. INC.; TD BANK, N.A.;
JOHN YUEN; AND DOES 1 THROUGH 15
INCLUSIVE,

**AFFIDAVIT IN SUPPORT OF
DEFENDANT DIME COMMUNITY
BANCSHARES, INC., DOING
BUSINESS AS DIME SAVINGS
BANK OF WILLIAMSBURGH'S
MOTION TO DISMISS THE
FIRST AMENDED COMPLAINT**

Defendants.

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STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

MICHAEL C. SIMMONS, being duly sworn, deposes and says:


1. I am an attorney at law admitted to practice before this Court and I make this affidavit to put before the court documents relevant to the motion of defendant Dime Community Bancshares, Inc., doing business as Dime Savings Bank of Williamsburgh ("Dime") to Dismiss the First Amended Complaint as against it.

2. Annexed hereto as Exhibit "1" is a copy of the Complaint in this action.

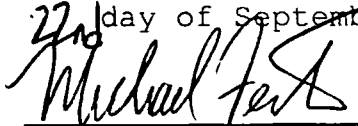
3. Annexed hereto as Exhibit "2" is a copy of the First Amended Complaint in this action.

4. Annexed hereto as Exhibit "3" is a copy of a stipulation entered into between plaintiffs and defendant Dime extending to September 23, 2010 defendant Dime's time to answer and or move with respect to the First Amended Complaint.

5. Annexed hereto as Exhibit "4" is a copy of the Civil Docket for this matter reflecting that on August 19, 2010 an order of Magistrate Judge Robert M. Levy was entered granting an extension of time to defendant Dime that is consistent with the stipulation annexed hereto as Exhibit "3".


MICHAEL C. SIMMONS (MCS 0458)

Sworn to before me this
22nd day of September, 2010



Notary Public

MICHAEL FENTON
Notary Public, State of New York
No. 01FE6107831
Qualified in Queens County
Certificate Filed in New York County
Commission Expires April 12, 2012